IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

WP(C).No. 27436 of 2007(N)

AGAINST THE ORDER IN EP.NO.250/2005 IN OS.175/2004 of PRL.M.C., KOCHI
.....

PETITIONER:

P.E.NICHOLAS, S/O EASSY, AGED 49 YEARS,
PALLAYIL HOUSE, HOUSE NO,22/1808-A,
PAMBAIMOOLA, EDAKOCHI-682006.

BY ADV. SRI.MATHEW ABRAHAM

RESPONDENT:

THE EBEN EZER KURIES AND ENTERPRISES,
COCHIN, REPRESENTED BY ITS MANAGING PARTNER
E.JOSEPH, S/O ANTONY, HOUSE NO.C.C.16/1648,
WELFARE ROAD, COCHIN-5.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 27436 OF 2007

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Dated this the 17th day of September, 2007.

J U D G M E N T

This writ petition is filed seeking to set aside Ext.P4 order passed by the Principal Munsiff, Kochi. This is the third round of litigation before this Court in a decree for execution of money. By my first order I did show indulgence and directed the judgment debtor to pay the amount in five monthly instalments commencing from 1/3/07. Again in the second order I directed the judgment debtor to pay the defaulted three instalments within a period of three weeks and to pay the balance amount as ordered by me as per my first order. Now, the dispute is with respect to the correctness of the amount which is due to the decree holder. The judgment debtor shall not be directed to pay any excess amount and the decree holder is only entitled to the amount which he is in law entitled to receive. Therefore, I direct the writ petitioner herein to deposit the amount as ordered by the Court and a further direction is given to the learned

Munsiff, Kochi not to disburse the amount to the decree holder and to conduct an enquiry regarding the correctness of the amount which the decree holder is entitled to get and if there is any excess deposit reimburse it to the judgment debtor and disburse the actual amount due to the decree holder. The writ petitioner is directed to deposit the amount within a period of two weeks and the Court is directed to finalize the matter within a period of one month from today. Till that date the order of arrest shall be kept in abeyance by that Court.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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